

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
OCTOBER 18, 2005
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:08 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, Melina Castro, Eddie Holguin, Jr., Steve Ortega and Beto O'Rourke. Late arrival: Presi Ortega, Jr. at 9:11 a.m. The invocation was given by Fire Chaplain Ed Sinke, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **BOWIE ALUMNI ASSOCIATION**
2. **MINORITY BUSINESS DEVELOPMENT WEEK**
3. **EL PASO SPORTS COMMISSION'S USSSA SOFTBALL TOURNAMENT**
4. **MAKE A DIFFERENCE DAY**
5. **EL PASO ARCHIVES WEEK**
6. **TEEN READ WEEK**
7. **INTERNATIONAL CREDIT UNION WEEK**
8. **MEDICAL ASSISTANTS WEEK**

NOTE: Proclamation number three was deleted.

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

1. Mr. Bennett S. Mills, citizen, commented on compensation for improvements to railroad right-of-way property.
2. Ms. Tina Olson, citizen, commented on the City of El Paso Neighborhoods Program.
3. Mr. Ric Schecter, citizen, commented on Wildwood Arroyo.

Motion made by Mayor Pro Tempore Beto O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted.

(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the Minutes for Regular City Council Meeting of October 11, 2005 and the Special City Council Meeting of October 10, 2005.

Representative Lozano was not present for the vote.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Landscape Cost Sharing Agreement between the City of El Paso and the State of Texas, acting through the Texas Department of Transportation, allowing the City to participate in a landscape development project. The project will landscape 11 existing medians on Mesa Street from Baltimore to Sun Bowl Drive with additional groundcover to include stamped colored concrete, loose aggregate, additional vegetation and an irrigation system. The total estimated cost of the project is \$150,000.00 of which the City's total contribution is \$75,000.00, which includes a \$15,000.00 cash contribution, and a non-cash contribution of \$60,000.00 and a State cash contribution of \$75,000.00.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Contract of Sale by and between the **CITY OF EL PASO** and **ERNEST COCA, SR.** and **BERTHA M. COCA** for the acquisition of a parcel of land containing 61.5 square feet, more or less, being a portion of Tract 9D1, Block 34, Ysleta Grant, El Paso, El Paso County, Texas, in the amount of THREE THOUSAND ONE HUNDRED FIFTY DOLLARS AND NO/100THS DOLLARS (\$3,150.00) to be used for the Dorbandt Street & Drainage Improvement Project, District 7.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement between the City of El Paso, in its capacity as the Metropolitan Planning Organization (MPO), and the New Mexico Department of Transportation (NMDOT) for the development and implementation of the Unified Planning Work Program (UPWP), and related tasks as further described in the Agreement. The MPO shall be reimbursed in accordance with the terms of the Agreement.

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***RESOLUTION**

WHEREAS, pursuant to Section 401(a) of the Internal Revenue Code, as amended, employers may create a tax deferred compensation plan whereby the employer may make tax deferred contributions to the deferred compensation plan for the benefit of its employees (a **"401(a) Plan"**);

WHEREAS, the City of El Paso (the “**City**”) has not previously created a 401(a) Plan;

WHEREAS, the City acknowledges the benefit of a 401(a) Plan in the recruitment of qualified individuals, in remaining a competitive employer in the market place, and in providing a retirement vehicle for eligible employees; and

WHEREAS, the City desires to create a 401(a) Plan.

NOW, THEREFORE, BE IT RESOLVED:

1. **THAT** the City hereby creates a 401(a) Plan and adopts that certain City of El Paso Profit Sharing Plan and Trust, the First Amendment to the Plan, and the Second Amendment to the Plan entered into by and between the City and ING National Trust (collectively, the “**Plan Documents**”), attached hereto, which are effective as of September 1, 2005;

2. **THAT** the City Manager be authorized to sign the Plan Documents; and

3. **THAT** any contractual obligation the City has to make certain contributions to a tax deferred compensation plan for the benefit of an employee, other than to a 401(a) Plan (e.g. the City’s 457(b) Plan), may be made to the 401(a) Plan; provided that said employee makes such request in writing to the City that said contributions be made into the 401(a) Plan, and agrees that the action of the City in honoring that request connotes an amendment to the contract.

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***RESOLUTION**

WHEREAS, the City of El Paso (the “**City**”) has a 457(b) Deferred Compensation Plan For Public Employees (the “**457(b) Plan**”);

WHEREAS, the 457(b) Plan document was written in 1989 and was amended in 1997 and again in 2002;

WHEREAS, since the 457(b) Plan was last amended in 2002, Section 457 of the Internal Revenue Code (the “**Code**”) has been revised on several occasions, but the 457(b) Plan document has not been updated to reflect such revisions;

WHEREAS, certain revisions to Section 457 of the Code benefit participating City employees (the “**Participants**”) by permitting the following:

- (i) that Participants borrow against contributions made to the 457(b) Plan;
- (ii) that Participants make small balance withdrawals;
- (iii) that Participants transfer funds from other 457(b) Plans;
- (iv) that eligible rollover distributions from eligible retirement plans be made; and
- (v) that under certain conditions Participants transfer amounts in the 457(b) Plan to state or local retirement systems; and

WHEREAS, the City desires to amend and restate the 457(b) Plan document in order to update and incorporate some of the revisions made to Section 457 of the Code.

NOW, THEREFORE BE IT RESOLVED:

1. **THAT** the City hereby amends and restates the 457(b) Plan document in order to update and incorporate some of the revisions made to Section 457 of the Code;
2. **THAT** the City hereby adopts the amended and restated City of El Paso 457(b) Deferred Compensation Plan for Public Employees entered into by and between the City and ING National Trust (the "**Restated 457(b) Plan**"), attached hereto, effective as of September 1, 2005; and
3. **THAT** the City Manager be authorized to sign the Restated 457(b) Plan.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Easement Reservation by and between the **CITY OF EL PASO** and **EL PASO WATER UTILITIES/PUBLIC SERVICE BOARD**, for a project known as "**Northeast Regional Park**" to construct, build, install, repair, reconstruct, and perpetually use, maintain, and operate a water (and sewer) line or lines with appurtenances and improvement thereto.

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***RESOLUTION**

WHEREAS, the El Paso City Council finds it in the best interest of the citizens of El Paso that the Domestic Abuse Response Team be operated for the July 1, 2005 - June 30, 2006 year; and

WHEREAS, the El Paso City Council agrees to provide applicable matching funds for the said project as required by the Office of the Governor grant application; and

WHEREAS, the El Paso City Council agrees that in the event of loss or misuse of the Criminal Justice Division funds, the El Paso City Council assures that the funds will be returned to the Criminal Justice Division in full.

WHEREAS, the El Paso City Council designates the City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the El Paso City Council approves submission of the grant application for the Domestic Abuse Response Team project to the Office of the Governor, Criminal Justice Division.
2. The City Manager be authorized to sign the grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant in the amount of \$67,154, from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, for the purpose of continuing the efforts of the Police Department's Victim Services Response Team; that the City Manager be authorized to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter, or terminate the grant, authorize budget transfers and submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the City Manager be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or de-obligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant.

3. The City of El Paso agrees to provide in-kind matching funds in the amount of \$22,385.

4. The El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.

5. The City Manager be authorized to sign Cooperative Working Agreements relating to the grant with the following agencies: El Paso County Sheriff's Office; Diocesan Migrant and Refugee Services, Inc., Battered Spouse Program; STARS; El Paso County District Attorney, Victim Assistance Program; El Paso County District Attorney, Domestic Violence Unit; El Paso County Attorney's Office, VOCA Protective Orders Program; Center Against Family Violence; Advocacy Center for the Children of El Paso; West Texas Community Supervision and Corrections Department, Victim Services Program; Rio Grande Council of Governments; and Family Service of El Paso, Crime Survivors Counseling Program.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the Ysleta Independent School District (YISD) for the furnishing of twenty (20) police officers for the School Resources Officer Program to be conducted within the YISD during the school year 2005-2006 with an option to extend through summer school 2006; payment will be received from YISD in an amount which represents 50% of the annual salary and primary benefits of fourteen (14) police officers based on the number of days in which officers actually work and provide services to YISD as set forth in the agreement. Two (2) officers will be paid through the Cops in Schools Grant #2001SHWX0634 and the other four (4) officers will be paid through the Cops in Schools Grants #2004SHWX0054.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **RE-APPOINT** Thelma Sandy Caviness to the Mayor's Advisory Board on Aging by Representative Steve Ortega, District 7.

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **RE-APPOINT** Mitchel Doblado to the Parks and Recreation Advisory Board by Representative Jose Alexandro Lozano, District 3.

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPOINT** Annabell Perez to the Airport Board by Representative Steve Ortega, District 7.

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPOINT** Mathew Carroll to the Parks and Recreation Advisory Board by Mayor Pro Tempore Beto O'Rourke, District 8.

Representative Lozano was not present for the vote.
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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPOINT** Carl R. Pataky to the Parks and Recreation Advisory Board by Mayor Pro Tempore Beto O'Rourke, District 8.

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried that the following tax refunds be **APPROVED**:

- A.** LSI Texas Services in the amount of \$3,137.52 overpayment of 2001 taxes.
(PID #A642-999-0270-9936)
- B.** Washington Mutual Home Loans in the amount of \$5,387.73 overpayment of 2004 taxes.
(PID C731-999-0080-2900)
- C.** Mortgage Service Center in the amount of \$2,757.93 overpayment of 2003 taxes.
(PID #C818-999-0790-0100)
- D.** Mortgage Service Center in the amount of \$2,845.28 overpayment of 2004 taxes.
(PID #C818-999-0790-0100)
- E.** Stewart Title Company in the amount of \$6,867.16 overpayment of 2004 taxes.
(PID #S167-999-0010-5100)
- F.** Barrett Burke Wilson in the amount of \$8,711.29 overpayment of 2004 taxes.
(PID #S812-999-0170-2850)
- G.** First American in the amount of \$3,403.44 overpayment of 2004 taxes.
(PID #W145-999-0600-0800)
- H.** Mortgage Service Center in the amount of \$2,738.28 overpayment of 2002 taxes.
(PID #C818-999-0790-0100)
- I.** Hector I. Reyes in the amount of \$12,000.00 overpayment of 2005 taxes.
(PID # F607-999-0700-2900)
- J.** Hector I. Reyes in the amount of \$10,000.00 overpayment of 2005 taxes.
(PID#F607-999-0810-5500)
- K.** Hector I. Reyes in the amount of \$5,000.00 overpayment of 2005 taxes.
(PID #M344-999-0070-9920)
- L.** Hector I. Reyes in the amount of \$5,000.00 overpayment of 2005 taxes.
(PID #M344-999-0070-9970)
- M.** EMC Mortgage in the amount of \$6,708.40 overpayment of 2004 taxes.
(PID #N425-999-0220-3300)
- N.** Transcontinental Title Company in the amount of \$2,504.90 overpayment of 2004 taxes.
(PID #Q550-999-0120-0300)

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** Change Order No. Thirty Four (34) (Construction Change) to Silverton Construction Co., Inc. for Contract No. 2004-013, Cleveland Square Redevelopment Project, located at 501 N. Oregon, for an increased amount of \$42,903.00. Change Order consists of remodeling the 2nd floor Administrative Area of the Main Library at a total cost of \$42,903.00. The revised scheduled completion date is January 15, 2006.

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** Change Order No. One (1) to Blair-Hall Co., Inc. in the amount of \$51,474.42 on Contract No. 2005-132, Northeast Regional Park Phase I Improvements Project, for changes required by Development Services Department of the City of El Paso. The changes in Change Order No. One (1) will extend the projected completion date to 4/23/2006.

The purpose of this Change Order as requested by Perspectiva + 3D/I the Project Manager, is to comply with a list of changes required and recommended by the City's Development Services Department. These changes were identified after the contract was awarded. The proposed changes will impact the following areas of construction: Irrigation schedule, reclaimed water sources, irrigation landscape, parking lot area, location of fire hydrant and pond side slopes as the original design did not comply with current City of El Paso Construction Codes and Regulations. Funding for this Change Order is provided by the 2000 Quality of Life Bond Election as follows: 31130550-PPW0046004-60016-508027.

Location: 11270 McCombs Dr. El Paso, Texas 79924

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** Change Order No. Three (3) (Scope Change) to J. A. R. Concrete, Inc. for Contract No. 2005-010, Edgemere Boulevard Extension Improvements project, located at approximately 11530 Edgemere Boulevard, from Rising Sun Street to War Rose Place, for an increased amount of \$70,750.00. Change Order also adds twenty (20) days to the contract time. The purpose of this change order is to incorporate the Lee Street improvements project, as requested by Program Management. The revised scheduled completion date is October 10, 2005. Subsequent change orders will further revise the completion date for this project.

Funding for this change order is 31260001-PPWST03022-60633-508027.

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** Change Order No. Nine (9) (Scope Change) to Vistacon, Inc. for Contract No. 2004-091, Memorial Park Improvements and Indoor Pool project, located at 1701 N. Copia Street (District 2) for an increased amount of \$37,548.00. Change Order also adds thirty (30) days to the contract time. The purpose of this Change Order is to provide all components of Alternate No. 5 Shady Canopy into the project, per Parks and Recreation Department request. The revised scheduled completion date is November 13, 2005.

The funding sources for the work described under this change order are 51010279-PPW0046026YR2-16301-508027.

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2005-263 Janitorial Services for the El Paso Fire Department

Award to: Global Clean
El Paso, TX
Item(s): All
Amount: \$30,589.20 (estimated yearly)

Department: General Services
Funds available: 31010327-01101-502206
Funding source: Operating Account, City Wide Maintenance Janitorial
Total award: \$91,767.60 (estimated)

General Services and Financial Services, Procurement Division, recommend award as Global Clean has provided the Best Value Bid. This is a thirty-six (36) month contract with the option to renew for two additional years. Additionally, Global Clean offers a prompt payment discount of 3.5%10 days.

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **AWARD** Bid Solicitation No. 2005-259 ADA Compliance District No. 5

Location: Irving Schwartz Branch Library
1865 Dean Martin Dr.
Contractor: CH & JM Construction, Inc.
El Paso, TX
Department: El Paso Public Library

Funds Available: 14200406-PBE04MF101-29165-508027
Funding Source: 2004 Bond Election
Items: Base Bid \$20,096.00
Alternate \$ 5,610.00
Total Award: \$25,706.00
Estimated Completion Date: December, 2005

The Departments of Engineering and El Paso Public Library recommend the award of this contract to CH & JM Construction, Inc., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Representative Lozano was not present for the vote.

NOTE: District number was amended to show "District 6".

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **AWARD** Bid Solicitation No. 2005-222 Youth Furniture for Main Library (Rebid)

Award to: Libra-Tech Corporation
Argyle, TX
Item(s): All
Amount: \$98,398.49

Department: Library
Funds Available: 72509501-51004-508009-PPW0056002
Funding Source: FY2000 Main Library TIF Funds
Total Award: \$98,398.49

The Library and Financial Services Departments recommend award as indicated to the lowest responsive offer meeting specifications from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase Youth Furniture for the Main Library. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. No prompt payment discount was offered.

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of Sun Bowl Association to hold the First Light Federal Credit Union Sun Bowl Parade on November 24, 2005 from 10:00 a.m. to 12:00 p.m. Route: Start at the corner of Montana and Campbell, proceed on Montana and finish at the corner of Montana and Copia. Approximately 3,000 persons, 150 vehicles, 40 animals will take part and 275,000 spectators are anticipated. This request includes permission to use amplification (several floats may have sound equipment capable of being heard to the curb of the route). Permit # 05-139 [Bernie Olivas]

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of YMCA to hold the Turkey Trot foot race/walk on November 24, 2005 from 7:30 a.m. to 8:30 a.m. Route for walk: Start on Montana at Virginia, proceed on Montana to Cotton, turn back around on Montana and finish at Virginia. Route for run: Start on Montana at Virginia, proceed on Montana to Williams, turn left on Williams to Rio Grande, turn right on Rio Grande to Magnolia, turn back around on Magnolia to Williams, turn left on Williams to Montana, turn right on Montana and finish at Virginia. Approximately 900 persons will take part and 200 spectators are anticipated. PERMIT # 05-154 [LuAnn Wieland]

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of Father Yermo ELC to hold a United Nations Day celebration parade on October 28, 2005 from 1:00 p.m. to 2:30 p.m. Route: Start at Father Yermo ELC – 616 S. Virginia to Seventh St., turn right on Seventh St. to Ochoa St., turn right on Ochoa St. to Father Rahm, turn right on Father Rahm and finish at the school. Approximately 90 persons, 30 floats will take part and 50 spectators are anticipated. PERMIT # 05-147 [Sylvia Grijalva]

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of Morgan Marie Neighborhood Watch to block off Morgan Marie between Amber Morgan and Tender Foot on October 31, 2005 from 4:00 p.m. to 10:00 p.m. for a block party. Approximately 200 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT # 05-148 [Sandie Sparks Olivar]

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of Southwestern Pride to hold a parade on June 3, 2006 from 11:00 a.m. to 1:00 p.m. Route: Start on Montana at St. Vrain to Mesa, turn left on Mesa to San Antonio, turn left on San Antonio to Ochoa, turn right on Ochoa and finish at 216 S. Ochoa. Approximately 175 persons, 7 vehicles, 10 animals, 7 floats will take part and 300 spectators are anticipated. This request includes permission to use amplification (1 bull horn and 1 amplifier). PERMIT # 05-149 [Ms. Jerry Correia]

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of UTEP Student Development Center to hold the 2005 UTEP Homecoming Parade on October 21, 2005 from 10:00 a.m. to 2:00 p.m. Route: Start on Oregon St. at Baltimore Dr., proceed on Oregon St. to University Ave., turn right on University Ave. to Sun Bowl Dr., turn right on Sun Bowl Dr. and finish at the UTEP parking lot A-1. Approximately 500 persons, 40 vehicles will take part and 2,000 spectators are anticipated. PERMIT # 05-150 [Kim Keeton-Pettit]

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of Youth Salute to Veterans to hold a Veteran's Day Parade on November 11, 2005 from 10:00 a.m. to 12:00 p.m. Route: Start on Rushing at Fairbanks, proceed on Rushing and finish at Veteran's Park – 5301 Salem. Approximately 500 persons, 2 vehicles, 2 floats will take part and 200 spectators are anticipated. This request includes permission to use amplification (2 speakers, 1 microphone and 1 amplifier). PERMIT # 05-151 [Walt Phillips]

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of St Mark's United Methodist Church to use amplification (3 amplifiers, 8 speakers and 4 microphones) at Thorn Park – 5260 Mace St. on November 5, 2005 from 11:00 a.m. to 4:00 p.m. for a park outreach. Approximately 20 persons will take part and 150 spectators are anticipated. PERMIT # 05-152 [George Armas]

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of KLAQ Radio to hold a 20th Annual Halloween Parade on October 31, 2005 from 3:00 p.m. to 5:00 p.m. Route: Start at Album Park on Album Rd. to Cork, turn left on Cork to Daphne Ave., turn right on Daphne Ave. to Fir St., turn left on Fir St. to Bermuda Dr., turn left on Bermuda Dr. to Zanzibar Dr., turn left on Zanzibar Dr. and finish at the park. Approximately 1,500 persons, 75 vehicles will take part and 15,000 spectators are anticipated. This request includes permission to use amplification (1 p.a. system). PERMIT # 05-153 [Connie M Hernandez]

Representative Lozano was not present for the vote.

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*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of El Pasoans Against the Death Penalty to hold a demonstration at the El Paso County Courthouse – 500 E. San Antonio (sidewalks only) on October 19, 2005 from 12:00 p.m. to 1:00 p.m. Approximately 10-20 persons will take part and 20 spectators are anticipated. This request includes permission to use amplification (1 amplifier, 2 speakers and 1 microphone). PERMIT # 05-155 [Carol Tures]

Representative Lozano was not present for the vote.

*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of Rosalia Andujo to block off Park St. between Sixth and Seventh on October 22, 2005 from 10:00 a.m. to 10:00 p.m. for a matachines block party. Approximately 150 persons will take part and 100 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT # 05-157 [Rosalia Andujo]

Representative Lozano was not present for the vote.

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Motion made by Representative Byrd, seconded by Representative O'Rourke and unanimously carried to **DELETE** the introduction of an Ordinance to curtail the problem of underage binge drinking across the Mexico border by residents of the City of El Paso who are minors.

Mayor John Cook and Representatives Lozano, Byrd and O'Rourke commented.

The following City staff members commented:

1. Mr. Charlie McNabb, City Attorney
2. Dr. Jorge C. Magana, Director of El Paso City-County Health and Environmental District
3. Ms. Joyce Wilson, City Manager

Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr., and unanimously carried to **SUSPEND THE CITY COUNCIL RULES OF ORDER** to allow Dr. Magaña to address the Council.

The following members of the public commented:

1. Ms. Marge Bartoletti, Director, Rio Grande Safe Communities Coalition
2. Mr. Hardrick Crawford, Jr., citizen
3. Ms. Blanche Tune, citizen

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Motion made by Representative Presi Ortega, Jr., seconded by Representative Byrd and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Holguin, Jr. was not present for the vote.

- A.** An Ordinance amending Title 14 (Aircraft and Airports), Chapter 14.16 (Airport Use Regulations) of the El Paso Municipal Code by amending Section 14.16.135, Fuel flowage fees. The penalty as provided in Chapter 1.08 of the El Paso Municipal Code.
- B.** An Ordinance amending Title 14 (Aircraft and Airports), Chapter 14.24 (Commercial Air Carriers Rates and Charges), Section 14.24.020 (Applicability – compliance required) and Section 14.24.030 (Landing fees) of the El Paso Municipal Code to clarify the designation of a commercial air carrier.
- C.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code to add a subsection identifying the speed limit as Forty Miles Per Hour on Rich Beem Boulevard. The penalty is as provided in Section 12.84.010 of the El Paso Municipal Code.

- D.** An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.40 (Department of Museums and Cultural Affairs), Section 2.40.010 (Department-Creation-Functions), Section 2.40.20 (Fees), to Allow Waiver and Reduction of Fees, Section 2.40.060 (Art Museum Advisory Board-Duties) to Revise the Title of Section and to add Section 2.40.070 (Cultural Affairs Advisory Board-Duties) of the El Paso City Code to specify additional duties and functions of the Department and to recreate the Cultural Affairs Advisory Board and specify its duties; and to repeal Ordinances Nos. 14880 and 15581.
- E.** An Ordinance granting a Special Privilege to Anne S. Burrows permitting the encroachment onto public right-of-way with a canopy located at 312-318 South El Paso Street. *(Fee: \$100.00, SP-05024)*
- F.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.44 (Stopping, Standing and Parking Generally), Section 12.44.180B (Regulations Pertaining to Certain Special Situations) of the El Paso Municipal Code to Provide for Reserved Parking Spaces for GSA Employees and Construction Workers during such times as signs are posted by Traffic Engineering. The penalty being as provided in Section 1.08 of the El Paso Municipal Code.

PUBLIC HEARING WILL BE HELD ON NOVEMBER 1, 2005 FOR ITEMS A – F

- G.** An Ordinance changing the zoning of a portion of 75 feet by 150 feet out of Tract 52, Sunrise Acres No. 2, El Paso, El Paso County, Texas from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 4944 Hercules. Applicant: Osvaldo Gutierrez Romo. ZON05-00033 [Planning, Christina Valles, (915) 541-4930]

PUBLIC HEARING WILL BE HELD ON NOVEMBER 8, 2005 FOR ITEM G

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

RESOLUTION

Whereas, the El Paso County Hospital District is El Paso's healthcare safety net and the only remaining locally-owned, not-for-profit hospital system in our community; and

Whereas, the District, through its three subsidiaries – Thomason Hospital, the Thomason C.A.R.E.'s Clinics and El Paso First – is dedicated to providing high quality in-patient and outpatient healthcare services to every El Pasoan, regardless of their ability to pay; and

Whereas, the District has served the people of El Paso for 90 years and today is in need of a major investment of public funds to ensure it can continue to fulfill its Mission and remain a strong teaching program for the Texas Tech University School of Medicine; and

Whereas, the District has adopted a new strategic plan, which call for several major expansion / renovation initiatives to address the El Paso and Ft Bliss communities' growing healthcare needs, including the development of a comprehensive Cardiovascular Program, new Operating Suites, a larger Emergency Department, expanded in-patient capacity and additional outpatient services; and,

Whereas, the District's Board of Managers, appointed by El Paso's County Judge and Commissioners Court to set policy for the District, recently approved a bond financing plan to fund the capital improvements included in the strategic plan and will soon seek the Court's approval of the same,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso County Hospital District plays a vital role in the overall health of the community, and

Be it further resolved that the City of El Paso supports the District's long-range strategic plan and hereby urges the El Paso County Commissioners Court to make capital improvements to the hospital.

Mayor John Cook and Representatives Lozano, Byrd, Presi Ortega, Jr., Castro and O'Rourke commented.

Representative Byrd amended the Resolution language.

The following members of the public commented:

1. Mr. Jim Valenti, Chief Executive Officer, R. E. Thomason General Hospital
2. Ms. Rosemary Castillo, Board Chair, El Paso County Hospital District
3. Mr. Sam Legate, Vice Chair, El Paso County Hospital District
4. Mr. Mike Rooney, citizen, commented.

1ST MOTION:

Motion made by Representative Steve Ortega, seconded by Representative O'Rourke and unanimously carried **TO SUSPEND THE CITY COUNCIL RULES OF ORDER** to allow three speakers to address the Council.

2ND MOTION:

Motion made by Representative Byrd, seconded by Representative O'Rourke and unanimously carried to **APPROVE, AS AMENDED**, the above Resolution.

.....
Item: Discussion and action on the Lee Trevino Drive Extension Project, including direction on the project continuation, recommended option(s) and next steps.

Mayor John Cook and Representatives Lilly, O'Rourke, Presi Ortega, Jr., Steve Ortega, Byrd and Holguin, Jr. commented.

The following City staff members commented:

1. Ms. Teresa Quezada, Capital Development Program Administrator
2. Mr. Ted Marquez, Engineering – Traffic
3. Mr. Ricardo Dominguez, Transportation Planning Manager, Metropolitan Planning Organization

The following members of the public spoke in opposition:

1. Mr. David Torres
2. Ms. Letty Mora
3. Sister Gloria Escamilla

1ST MOTION:

Motion made by Representative Holguin, Jr., seconded by Representative Lozano and unanimously carried **TO ALLOW THE REMAINING SPEAKERS FOUR MINUTES TO ADDRESS THE COUNCIL.**

4. Ms. Katherine Lara
5. Ms. Carina Ramirez
6. Ms. Martha Gutierrez
7. Ms. Lizette Gutierrez, 10 year-old
8. Ms. Valerie Gutierrez, 11 year-old

9. Mr. Jose Reyes
10. Mr. Ray Pedregon
11. Mr. Ed Talamantes
12. Ms. Enriqueta Natividad
13. Ms. Cherie Esparza
14. Ms. Alma Wilson
15. Ms. Gloria Gonzalez
16. Mr. Joe Orozco
17. Ms. Laura Akers
18. Mr. Ernesto Coca, Jr.

2ND MOTION:

Motion made by Representative Holguin, Jr., seconded by Representative Lozano and unanimously carried to **DENY** the Lee Trevino Drive Extension Project.

3RD MOTION:

Motion made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr. and carried that staff explore alternatives and come back in 60 days with recommendations.

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega and O'Rourke

NAYS: Representatives Lozano, Castro and Holguin, Jr.

.....
Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **RECESS THE CITY COUNCIL MEETING.**

.....
Motion made by Representative Byrd, seconded by Representative Lilly and unanimously carried to **RECONVENE THE CITY COUNCIL MEETING.**

Representatives Holguin, Jr. and Steve Ortega were not present for the vote.

.....
RESOLUTION

WHEREAS, on August 26, 2005, the Acting City Manager and the Deputy Director of Financial Services issued an Emergency Authorization to contract for the repair and replacement of the exterior driveway and concrete slab in the apparatus room at Fire Station No. 20, located at 8301 Edgemere Blvd. El Paso, Texas (the "**Contract**");

WHEREAS, on September 1, 2005, the Contract was awarded to Tirayan Construction, but subsequently it was determined that Tirayan Construction would be unable to do the work under the Contract;

WHEREAS, on September 19, 2005, the Engineering Department and Fire Department recommended award of the Contract to BXW Electrical Rebuilders Inc., in the amount of \$79,250.00; and

WHEREAS, the City Council of the City of El Paso finds that the present case qualifies for an exemption to the competitive bidding or competitive proposals requirements of Chapter 252 of the Texas Local Government Code (the "**Code**") under Section 252.022(a)(3) of the Code, since this is "a procurement necessary because of unforeseen damage to public machinery, equipment, or other property."

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the action of the Acting City Manager and the Deputy Director of Financial Services in connection with the issuance of an Emergency Authorization to BXW Electrical Rebuilders Inc., in the amount of \$79,250.00, for emergency repairs and replacement of the exterior driveway and concrete slab in the apparatus room at Fire Station No. 20, is hereby ratified.

Motion made by Representative Lozano, seconded by Representative Byrd and unanimously carried to **APPROVE** the above Resolution.

.....
*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **POSTPONE ONE (1) WEEK** the Public Hearing to make a determination by City Council that Spartan Construction Services Inc., is not a responsible bidder on The Teakwood Road & Sequoia Court, Street & Drainage Improvements Bid No. 2005-254.

The project location is in District No. 3, Teakwood Road & Sequoia Court.

On Wednesday September 21, 2005 bids were opened for Teakwood Road & Sequoia Street & Drainage Improvements, solicitation number 2005-254. Upon completion and review of the official bid tabulation for the subject project, it was determined that the apparent low bidder was Spartan Construction Services Inc.

Spartan Construction presented insufficient information in regards to experience and expertise. It is the opinion of City Staff and the City's design consultant, on Teakwood Road & Sequoia Court, Street & Drainage Improvements Project, that Spartan Construction Services Inc. is not a responsible bidder.

After closing of the hearing staff recommends passage of a motion stating that Spartan Construction Services is deemed a non-responsible bidder for Bid Number 2005-254.

Representative Lozano was not present for the vote.

.....
*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **POSTPONE ONE (1) WEEK** Solicitation No. 2005-254 Teakwood Road and Sequoia Court, Street and Drainage Improvements

Location:	Teakwood Road and Sequoia Court
Contractor:	Danny Sander Construction, Inc. El Paso, TX
Department:	Street
Funds Available:	71150069-G7130CD0021-07803-508027 71150069-G7130CD0022-07838-508027
Funding Source:	Community Development Grant's G7130CD0021 and G7130CD0022
Items: Base Bid 1	\$493,175.50
Base Bid 2	\$ 38,682.00
Base Bid 3	\$ 41,345.00
Total Award:	\$573,202.50
Estimated Completion Date	March 2006

The Departments of Engineering and Street recommend the award of this contract to Danny Sander Construction, Inc., the lowest responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Representative Lozano was not present for the vote.

*Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **POSTPONE TWELVE (12) WEEKS** the discussion and action on a Motion to expand the open meeting and notification requirements of the City Plan Commission as follows:

Regardless of any wording to the contrary above, the City Plan Commission shall be required to hold an open meeting/hearing on any new action proposed for a parcel/tract that was previously subject to a contested hearing. The petitioner shall be responsible for notifying all previous participants of record (of the contested action(s)) regarding the subject, date and time of the new hearing.

Representative Lozano was not present for the vote.

The Alternate City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO DESIGNATE AN EMPLOYEE TO PERFORM THE DUTIES AND FUNCTIONS ASSIGNED TO THE DEPUTY DIRECTOR-BUILDING PERMITS AND INSPECTIONS UNDER THE CITY CODE IN THE EVENT OF A VACANCY IN THE POSITION.**

Motion duly made by Representative Steve Ortega, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Jr., Steve Ortega and O'Rourke

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 16183

The Alternate City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO AMEND: I) A LOCATION ON CLARK DRIVE FROM DULANEY AVENUE TO TROWBRIDGE DRIVE, BOTH SIDES; AND II) A LOCATION ON CLARK DRIVE, EXTENDING APPROXIMATELY SEVENTY-SIX FEET NORTH FROM THE NORTH CURBLINE OF THE TROWBRIDGE DRIVE ACCESS ROAD, BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Lozano, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Jr., Steve Ortega and O'Rourke
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

RESOLUTION

A RESOLUTION APPROVING A DETAILED SITE DEVELOPMENT PLAN, FOR A PORTION OF LOT 1, BLOCK 1, MESA HILLS WEST, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO A SPECIAL CONTRACT CONDITION IMPOSED BY ORDINANCE NO. 7718. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

WHEREAS, Investment Builders, (the "Applicant") has applied for approval of a detailed site development plan pursuant to a special contract condition, to permit the construction and development of an apartment complex; and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application;

WHEREAS, the City Plan Commission has approved and herein recommends Council approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to requirements imposed by a special contract condition, the City Council hereby approves the detailed site development plan submitted by the Applicant, to permit the construction and development of an apartment complex on the following described property which is located in a A-2/sc (Apartment/special contract) District:

A portion of Lot 1, Block 1, Mesa Hills West, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached and incorporated Exhibit "A";

A copy of the approved detailed site development plan, signed by the Applicant, the City Manager and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the **A-2/sc (Apartment/special contract) District** regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the **A-2/sc (Apartment/special contract)**. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Mr. George G. Sarmiento, Deputy Director of Development Services, gave a Powerpoint presentation and responded to questions and/or comments of the Council.
(presentation on file in the City Clerk's Office)

Representative O'Rourke commented.

Mr. Frank Ainsa, attorney representing Investment Builders, commented.

Motion made by Representative O'Rourke, seconded by Representative Lozano and unanimously carried to **APPROVE** the above Resolution.

.....
Motion made by Representative Steve Ortega, seconded by Representative Lozano and unanimously carried to **POSTPONE ONE (1) WEEK** an Ordinance changing the zoning of Tracts 2B2, 2B4 and 2B4A, Block 18, Ysleta Grant, El Paso, El Paso County, Texas from R-3 (Residential) to S-D (Special Development District). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 7929 Heid Ave. Applicant: Ramon/Rosina Frescas Jr. ZON05-00023

Mr. George G. Sarmiento, Deputy Director of Development Services, gave a Powerpoint presentation and responded to questions and/or comments of the Council.
(presentation on file in the City Clerk's Office)

Representatives Steve Ortega, Byrd and Lozano commented.

Mr. Matt Watson, Assistant City Attorney, commented.

1ST MOTION:

Motion made by Representative Steve Ortega to **DENY** but the motion the Ordinance changing the zoning of Tracts 2B2, 2B4 and 2B4A, Block 18, Ysleta Grant, El Paso, El Paso County, Texas from R-3 (Residential) to S-D (Special Development District). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code.

Motion made by Representative Steve Ortega, seconded by Representative Lozano and unanimously carried to **POSTPONE ONE (1) WEEK.**

ORDINANCE 16184

Mr. George G. Sarmiento, Deputy Director of Development Services, gave a Powerpoint presentation and responded to questions and/or comments of the Council.
(presentation on file in the City Clerk's Office)

AYES: Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Jr., Steve Ortega and O'Rourke

NAYS: None Absent: None

ORDINANCE 16185

Mr. George G. Sarmiento, Deputy Director Development Services, gave a Powerpoint presentation and responded to questions and/or comments of the Council.
(presentation on file in the City Clerk's Office)

Motion duly made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr., that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Jr., Steve Ortega and O'Rourke

NAYS: None Absent: None

REGULAR COUNCIL MEETING – OCTOBER 18, 2005

ORDINANCE 16186

The Alternate City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, BLOCK 1, PAINTED DUNES ADDITION UNIT TWO, EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-1 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Deputy Director of Development Services, gave a Powerpoint presentation and responded to questions and/or comments of the Council.
(presentation on file in the City Clerk's Office)

Motion duly made by Representative Castro, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Jr., Steve Ortega and O'Rourke
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 16187

The Alternate City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00082, TO ALLOW FOR A FIRE STATION ON LOTS 26 AND 27, BLOCK B, PIONEER ADDITION, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Deputy Director of Development Services, gave a Powerpoint presentation and responded to questions and/or comments of the Council.
(presentation on file in the City Clerk's Office)

Motion duly made by Representative Castro, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Jr., Steve Ortega and O'Rourke
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 16188

The Alternate City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO LA MUJER OBRERA TO TEMPORARILY CLOSE A PORTION OF WILLOW STREET BETWEEN TEXAS AVENUE AND MYRTLE AVENUE FOR A "MEXICAN CULTURE STREET FESTIVAL" ON SATURDAY, OCTOBER 29, 2005.**

Mayor John Cook commented.

The following City staff members commented:

1. Mr. Charlie McNabb, City Attorney
2. Ms. Joyce Wilson, City Manager

Ms. Hilda Villegas, citizen, commented.

Motion duly made by Representative O'Rourke, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Jr., Steve Ortega and O'Rourke
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
Motion made by Representative Lozano, seconded by Representative O'Rourke and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 1:01 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

A. *Tomas Garcia v. The City of El Paso*, 2004-2341 in the 346th District Court (551.071)

Motion made by Representative Byrd, seconded by Representative Lilly and unanimously carried to **ADJOURN** the **EXECUTIVE SESSION** at 1:07 p.m. and reconvene the meeting of the City Council, during which time the motion was made.

Representatives Lozano and Holguin, Jr. were not present for the vote.

.....

Motion made by Representative O'Rourke, seconded by Representative Byrd and carried **THAT THE CITY ATTORNEY BE AUTHORIZED SETTLEMENT AUTHORITY** in the matter entitled *Tomas Garcia v. The City of El Paso*, No. 2004-2341, as recommended by the City Attorney, and that the City Manager and/or City Attorney be authorized to execute any appropriate documents to effectuate that authority.

Representatives Lozano and Holguin, Jr. were not present for the vote.

.....
Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **ADJOURN** this meeting at 1:08 p.m.

Representatives Lozano and Holguin, Jr. were not present for the vote.

.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk